

REQUEST FOR EXAMINER ACTION

Restated is the prior request to review the claims 1 - 55 (PRELIMINARY AMENDMENT B) for plurality under international PCT unity of invention criteria as set forth in 37 CFR 1.475 and 1.499. Also, to issue a new requirement basis U.S.C. 371 with a one month period for response prior to any action on the merits.

Modify the elected under traverse restriction group I to include claim 10 as depending from claim 6 within the elected group I. Also include claims 35 & 51 in group I as amended to depend from claims 1 & 4 within the restricted group I, and permit claims 2 & 3 within group I as "systemic fungal diseases" as in claims 1 & 4.

OVERVIEW OF REQUEST & REMARKS

1. REQUEST FOR EXAMINER ACTION
2. TRAVERSE OF RESTRICTION REQUIREMENT
3. ERRORS IN EXAMINER ACTION
4. APPLICANT PROVISIONAL ELECTION OF SPECIES

Enclosed

5. "PRELIMINARY AMENDMENT C" COM June 26, 1998

TRAVERSE OF RESTRICTION REQUIREMENT

Restated is the prior traverse that the application is a proper national stage PCT international application under U.S.C. 371(c), and that issues regarding plural inventions should be addressed under international "unity of invention" criteria. "Independence and distinctness" criteria under U.S.C. 121 is not applicable here.

Exclusion of claim 10 which depends from claim 6 within the elected under traverse restriction group I is traversed.

Exclusion of claims 2 & 3, which also indicate treatment of "systemic fungal diseases" as in claims 1 & 4 within the elected under traverse restriction group I is traversed.

Applicant requests reconsideration of the restriction requirements, and that the Examiner permit inclusion of the above claims 10, 35, 2, & 3 within the elected under traverse restriction group I as now present for examination with the enclosed AMENDMENT C.

ERRORS IN EXAMINER ACTION

In addition to the above, the requirement fails to cite features, or reasoning in support of allegations of plurality of invention.

APPLICANT PROVISIONAL ELECTION OF SPECIES

Group I as in claims 1, 4-9, 36 and 51 - 90 directed toward fungal diseases under traverse with request to include claims 10, and claims 2, 3, and 35 as amended per enclosed PRELIMINARY AMENDMENT C and as above.

Nothing further.

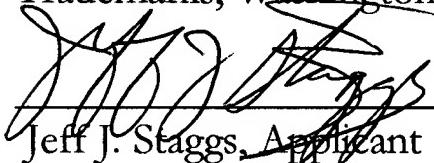
Respectfully,

 6/26/98

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Certificate of Mailing

I certify that this correspondence will be deposited with the United States Postal Service as first class mail with proper postage affixed in an envelope addressed to: "Commissioner of Patents and Trademarks, Washington, DC 20231" on June 26, 1998.

 6/26/98

Jeff J. Staggs, Applicant

Date